

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

BOSTON REDEVELOPMENT AUTHORITY
RESOLUTION

WHEREAS, Lionel R. Kustow, Trustee of 64-74 Franklin Street Realty Trust (the Developer), owns property located at 64-70 and 72-74 Franklin Street, Boston, Massachusetts (the Properties) pursuant to deed, dated October 23, 1987, and recorded with Suffolk County Registry of Deeds (the Registry), as Instrument No. 374.

WHEREAS, the Developer obtained title to the Properties from Combined Jewish Philanthropies of Greater Boston, Inc. (CJP);

WHEREAS, the Properties included the grantor's "right, title and interest" in and to Hawley Place, a private way to the rear of the Properties.

WHEREAS, the Boston Redevelopment Authority (the BRA) designated a portion of the City of Boston in which the Properties are located as the Central Business District Project Area and determined that it "constitute[d] a substandard and/or decadent area" under Massachusetts General Laws Chapter 121 (the Statute) as noted in an Order of Taking dated May 12, 1966 and recorded with the Registry in Book 8039 at Page 406.

WHEREAS, the BRA prepared an Urban Renewal Plan for the Central Business District Project Area approved by the BRA on August 2, 1967 (the Urban Renewal Plan) and undertook takings of land in fee simple pursuant to the powers of eminent domain in connection therewith.

WHEREAS, the BRA took from CJP a portion of the Properties situated within Hawley Place, 2,608 square feet in area, in fee simple by eminent domain pursuant to an Order of Taking dated August 24, 1967 and recorded with the Registry in Book 8149 at Page 192 (the Taking) as necessary and reasonably required to carry out the purposes of the Statute and the proposed Central Business District Project Area.

WHEREAS, the BRA re-defined the boundaries of Hawley Place and renamed the way "New Hawley Place" and "New Hawley Place Extension" in accordance with the Urban Renewal Plan.

WHEREAS, the BRA reconveyed to CJP a portion of the parcel taken by the Taking by deed dated September 19, 1967 and recorded with the Registry in Book 8149 at Page 203, which grant included the fee to the centerline of New Hawley Place and New Hawley Place Extension (the Reconveyed Parcel);

WHEREAS, in connection with this reconveyance, CJP, pursuant to an agreement dated September 19, 1967 and recorded with the Registry in Book 8149 at Page 200 agreed and stipulated that in the event of a future taking by the BRA of the Reconveyed Parcel or any portion thereof pursuant to the Urban Renewal Plan, CJP's claim for damages would be (a) based on and limited to rights of the same kind and nature as those owned by CJP in the

Reconveyed Parcel immediately prior to the Taking and (b) as to improvements, based upon and limited to improvements which CJP could lawfully have constructed pursuant to rights of the kind and nature as those owned by CJP immediately prior to the Taking.

WHEREAS, the Developer proposes the rehabilitation and expansion of the existing buildings on the Properties onto the Reconveyed Parcel.

WHEREAS, the limitation on damages in the event of a future taking is no longer a necessary or desirable encumbrance upon the Reconveyed Parcel, because the goals of the Urban Renewal Plan for the area have been substantially achieved and this encumbrance hinders the rehabilitation and expansion of the Properties.

WHEREAS, the Developer has agreed to enter into an Agreement with the Downtown Crossing Association to contribute \$5,000 annually to the Association toward the maintenance of Shoppers Park located adjacent to Filene's at the corner of Franklin and Washington Streets.

NOW THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority hereby releases, relinquishes and waives all of its rights, as contained in the instrument recorded with the Registry in Book 8149 at Page 200, with respect to limitations on damages in the event of a future taking.

AND FURTHER ORDERED that the Boston Redevelopment Authority cause this resolution to be recorded in the Suffolk County Registry of Deeds.

FACT SHEET

64-74 FRANKLIN STREET

PARCEL: The approximately 12,200 square foot parcel is located at the intersection of Franklin and Arch Streets.

DEVELOPER: London & Boston Development Corporation.

DEVELOPMENT PROPOSAL: The development will consist of approximately 77,300 square feet of office space and 11,100 square feet of retail space.

DESIGN RESTRICTIONS: The FAR will not exceed 7.25 and the height of the building is 125 feet. All dimensional drawings shall be consistent with the Schematic Design drawings submitted by the developer.

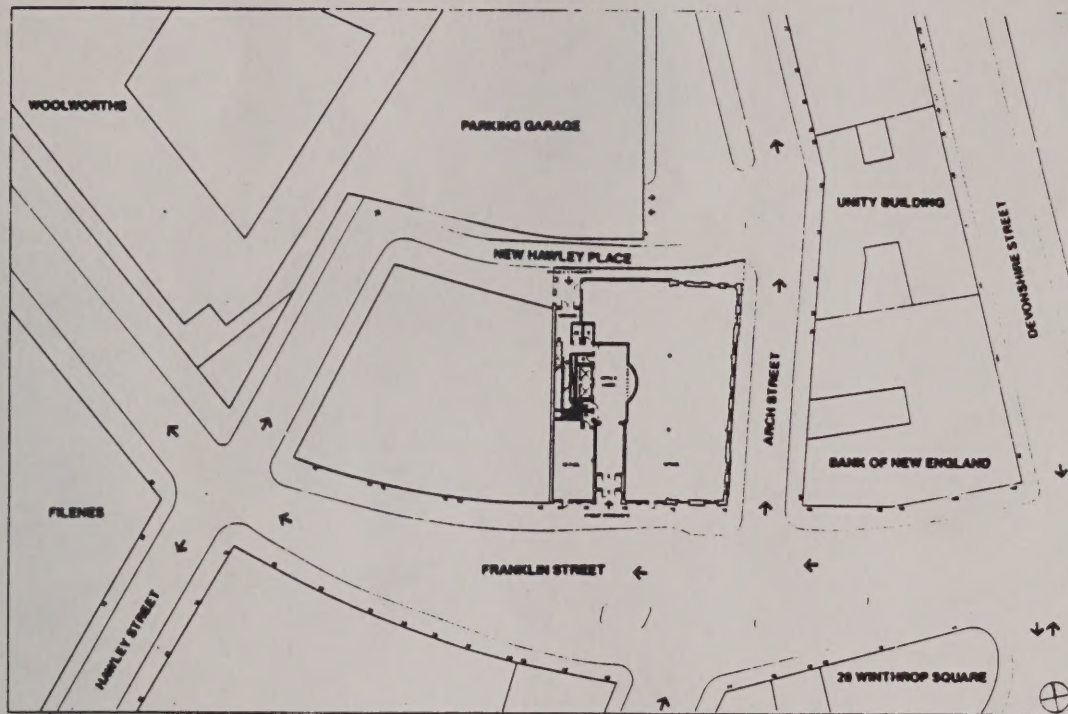
ARCHITECT: Skidmore, Owings & Merrill.

FINANCIAL INFORMATION: The total development cost will be approximately \$7.6 million. An annual contribution of \$5,000 will be made to the Downtown Crossing Association for the maintenance of Shoppers Park.

JOB: The project is anticipated to generate approximately 100-125 construction jobs and 135 permanent jobs.

SCHEDULE: Estimated start of construction is 3rd quarter 1988, with completion in 1st quarter 1990.

SITE PLAN



SITE PLAN

64-74 FRANKLIN STREET
 BOSTON, MASSACHUSETTS
 A PROJECT BY
 LONDON & NEW YORK ESTATES CORPORATION

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 SCALE: 1" = 10' & 10" = 100'

FRANKLIN/ARCH PROJECT PERSPECTIVE



This drawing illustrates the proposed project at the corner of Franklin and Arch Streets. The Bank of New England is visible in the foreground. Below is the photograph used to create this pedestrian-level perspective.

FRANKLIN/HAWLEY PROJECT PERSPECTIVE



Looking east along Franklin Street, the proposed project is seen to the left. The accompanying photograph upon which this view is based presents the existing site and surrounding buildings.

M E M O R A N D U M

APRIL 21, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM D. WHITNEY, ACTING ASSISTING DIRECTOR FOR
URBAN DESIGN AND DEVELOPMENT
CINDY SCHLESSINGER, PROJECT MANAGER

SUBJECT: 64 FRANKLIN STREET, BOSTON, Z-10366

EXECUTIVE

SUMMARY: This memorandum requests that the Authority recommend approval to the Board of Appeal of the variances requested for the rehabilitation of and addition to 64-74 Franklin Street.

The Combined Jewish Philanthropies of Greater Boston, Inc. (the Appellant) seeks three variances for the rehabilitation of and addition to the existing buildings at 64-74 Franklin Street. The variances are for rear yard, setback of parapet, and off-street loading facilities.

The developer, London & Boston Development Corporation, is proposing the renovation of and addition to two nineteenth century commercial buildings on a 12,200 square foot parcel located at the intersection of Franklin and Arch Streets. The renovation includes reconstruction of the building interiors and of the Arch Street and Franklin Street facades. The existing buildings include 55,800 gross square feet of office and ground floor retail space, and have a maximum height of 86 feet. With the addition, the proposed project will include 88,400 square feet of office and retail space. The proposed addition is set back 21 feet from the Franklin Street facade and will be clad in masonry materials. The building, as proposed, is 125 feet in height and has an FAR of 7.25 consistent with the FAR and height guidelines of the Downtown Interim Planning Overlay District (IPOD), and does not require an interim planning permit.

The project has undergone design review by Authority staff and representatives of the Boston Landmarks Commission. In addition, the developer has submitted a Project Notification Form, Draft Project Impact Report and Final Project Impact Report consistent with the requirements of Article 31, although the proposed project is not formally subject to Article 31 of the Boston Zoning Code. The Project Impact Report includes a Transportation Access Plan.

